

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

DEC 2 2002

OFFICE OF
MANAGING DIRECTOR

Wayne L. Payne
W.M.E.K.-AM
Post Office Box 697
Chase City, Virginia 23924

Re: Request for Reduction of FY 1997,
FY 2000, and FY 2001 Regulatory Fees
Fee Control No. 00000RROG-02-103
Bill No. 2000-9MB-703
Bill No. 97-9-WMEKAM
Bill No. 02-MMBO742

Dear Mr. Payne:

This is in response to your request to waive payment of past due regulatory fees. **Our** records indicate that you have not made payment of the FY 1997 fee of \$250 (which includes a \$50 late fee); the FY 2000 fee of \$312.50 (which includes a \$62.50 late fee); and the FY 2001 fee of \$375 (which includes a \$75 late fee) for WMEK-AM, Chase City, Virginia. You argue that the regulatory fees will be a financial hardship because WMEK **has** not had a net gain since 1990. In support, you submit documentation to show that WMEK had financial losses for the first seven months of 2002.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship **on** a licensee. **Thus**, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). **The** Commission further held that regulatees can establish financial need by submitting:

[I]nformation such **as** a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (**with** an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other **than officers**, **and** the amount of their compensation, or similar information.

10 FCC Rcd at 12761-12762.

In determining whether a licensee has sufficient revenues to pay its regulatory **fees**, the Commission relies upon a licensee's cash flow, **as** opposed to the entity's profits. Thus, although deductions for amortization and depreciation, and payments to principals reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.


With respect to the requested fee waiver for FY **1997**, we find that the request for regulatory relief is untimely. It was not filed with the Commission until long after the fiscal year in question and, accordingly, does not provide a basis for relief or **otherwise** warrant any **further** consideration. Therefore we deny your request for waiver of the FY **1998** regulatory fee. That fee, in the amount of **\$250**, is now due.

With respect to the regulatory fees for FY **2000** and FY **2001**, although you have submitted documentation to show that WMEK had losses the **first** seven months of **2002**, you have not submitted financial information for FY **2000** and FY **2001**. While the documentation showing **WMEK's** financial losses for the **first** seven months of **2002** suggests that your claim of hardship for FY **2000** and FY **2001** may be valid, we nevertheless require documentation, **as** cited above, for FY **2000** and FY **2001**.

In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship. Therefore your request for waiver **or** reduction of WMEK's regulatory fees is dismissed. Payment of the FY **2000** fee of **\$312.50** and the FY **2001** fee of **\$375** is now due. Each fee should be filed together with a copy of the respective bill within **30** days from the date of **this** letter.

In view of your allegations of financial hardship, however, in lieu of payment, you may refile WMEK's request together with appropriate supporting documentation and a **request** to further defer payment of the fee, within **30** days **from** the date of **this** letter. If you have any questions concerning **this** matter, please contact the Revenue & Receivables Operations Group at **(202) 418-1995**.

Sincerely,


Mark A. Reger
Chief Financial Officer

Enclosures:
Copies of Bills

W.M.E.K.-AM

P.O.BOX 697 .CHASE CITY,VA.

23924



FAX-360-246-1750>>E-MAIL-WMEK_2000@YAHOO.COM

FEDERAL COMMUNICATIONS COMMISSION

ATT:REVENUE AND RECEIABLES OP.GROUP

445 12TH STREET,S.W.ROOM 1A820

WASHINGTON D.C. 20554

DEAR CLAUDETTE PRIDE,ACTING CHIEF,
I **AM** RESPONDING TO YOUR NOTICES OF PAST DUE
FEES,AND I UNDERSTAND IT IS OWED..I MUST CLAIM
FINANCIAL HARDSHIP OR CLOSE THE STATION..THIS
AREA HAS 4 OTHER STATIONS SERVING **THE** AREA **BY**
ONE OWNER,WE HAVE BEEN DEVISTATED BY NAFTA AND
EACH MONTH I LOOSE BUSINESS..THE UNEMPLOYMENT
RATE IS **AT** 9% OR BETTER.I DO NOT PAY MYSELF A
SALARY..THE STATION HAS NOT **HAD** A NET GAIN SINCE
1990..JUST IN 1998WE LOST \$392.14,1999-A LOSS OF 522.85
AND IN **2000** A LOSS OF 261.19..ENCLOSED **YOU WILL FIND**
THE OPERATING SCHEDULE OF EXPENSES **THROUGH**
JULY..IF A SMALL PAYMENT PLAN CAN BE WORKED OUT
I WOULD BE WILLING TO TRY..WAITING FOR
REPLY.. TRULY YOURS,

Wayne L. Payne

WAYNE L. PAYNE/PRES.

RECEIVED SEP 16 2002

**Federal Communications Commission
Bill Collection**

FUR INQUIRIES CALL
1-202-418-1995

Bill Number	Bill Date	Please write your bill number on your remittance.
2000-9MB-0703	7/26/02	

West Mecklenburg Broadcasting
P.O. Box 697
Chase City, VA 23924

Payable to:
**Federal Communications
Commission**
Send a copy of this bill to:
**Federal Communications
Commission
Revenue & Receivables Operations
P.O. BOX 358835
PITTSBURGH, PA 15251 - 5835**

Total Amount Due		Due Date
\$312.50	Total Amount Due Must Be Received By	8/26/02

**BILL FOR UNPAID REGULATORY FEE OF \$250.00 AND 25% PENALTY OF \$62.50
WMEK-AM**

Payment Type Code	Quantity	Fee Due	
0035		\$250.00	\$250.00
0099		\$62.50	\$62.50
Total Due			\$312.50

Account No.:

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Expiration:

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Month

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Year

I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

**Federal Communications Commission
Bill Collection**

FOR INQUIRIES CALL
1-202-418-1995

Bill Number	Bill Date	Please write your bill number on your remittance.
97-9-WMEKAM	7/30/2002	

West Mecklenburg Broadcasting
P.O. Box 697
Chase City, VA 23924

Payable to:
**Federal Communications
Commission**
Send a copy of this bill to:
**Federal Communications
Commission
Revenue & Receivables Operations
P.O. BOX 358835
PITTSBURGH, PA 15251 - 5835**

Total Amount Due		Due Date
\$250.00	Total Amount Due Must Be Received By	8/29/2002

**BILL FOR UNPAID REGULATORY FEE OF \$200.00 AND 25% PENALTY OF \$50.00
CALL SIGN 97-9-WMEKAM**

Payment Type Code	Quantity	F a Due	
MGJ7		\$200.00	\$200.00
0199		\$50.00	\$50.00
Told Doe			\$250.00

- ☐ MASTERCARD
☐ VISA

Account No.

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Expiration:

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Month	Year				

I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.
AUTHORIZED SIGNATURE DATE

**Federal Communications Commission
Bill Collection**

*FOR INQUIRIES CALL
1-202-418-1995*

Bill Number	Bill Date	Please write your bill number & your remittance.
02-MMB0742	8/6/2002	

WEST MECKLENBURG BROADCASTING
P.O.BOX 697
CHASE CITY, VA 23924

*Federal Communications
Commission
Revenue & Receivables Operations
P.O. BOX 358835*

PITTSBURGH, PA 15251- 5835

Total Amount Due		Due Date
\$375.00	Total Amount Due Must Be Received By	9/5/2002

BILL FOR UNPAID FY 2001 REGULATORY FEE OF \$300.00 AND 25% PENALTY OF \$75.00
CALL SIGN WMEK-AM

Payment Type Code	Quantity	Fee Due	
0135		\$300.00	\$300.00
0199		\$75.00	\$75.00
Total Due			\$375.00

☐ MASTERCARD
☐ VISA

Account No.:

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Expiration:

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Month

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Year

hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE